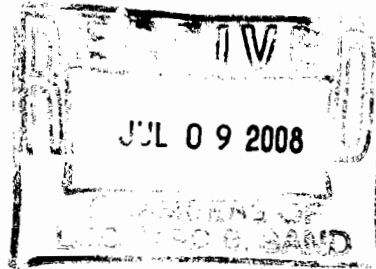


The Honorable Leonard B. Sand
United States District Court
Southern District of New York,
500 Pearl Street,
New York, New York, 10007.



Re: United States v. Roderick Gunn
SI 06 CR. 911

Dear Judge Sand:

This letter is submitted pursuant to 28 U.S.C. §1654 and Fed.R. Crim.P. 44(a), requesting of this Court to proceed pro se in the pre-trial proceedings of this case. This request is made on the grounds that counsel's representation is not effective as required by the Sixth Amendment and as the defendant, I am competent enough to represent myself during the pre-trial proceeding.

In *Faretta v. California*, 422 U.S. 806, (1975), the Supreme Court held that criminal defendants have a constitutional right to represent themselves, a right that is "necessarily implied by this structure of the [Sixth] Amendment." *Faretta*, 422 U.S. at 819. See *U.S. ex rel, Maldonado v. Denno*, 348 F.2d 12,15 (2d Cir 1965) (discussing constitutional right to self-representation in the Second Circuit prior to *Faretta*). The Second Circuit held that if the defendant asks to proceed pro se before the trial commences, this right is absolute and his request must be granted. See *United States v. Walker*, 142 F.3d at 108 (2d Cir 1998); *United States v. Stevens*, 83 F.3d 60,66 (2d Cir).

Along with this request to proceed pro se during the pre-trial setting of the case, I am requesting of this Court in its discretion, to grant me "Hybrid Representation." It is held that there is no right to "hybrid representation," *United States v. Tutino*, 883 F.2d 1125,1141 (2d Cir 1989). Thus, the decision to permit hybrid representation is left to the trial court's discretion. *O'Reilly*, 692 F.2d at 869. I am now requesting of this Court to grant these reliefs sought.

In submitting this request, I have submitted a copy of a supplement in support of my "Motion To Dismiss" that submitted on December 26, 2007, seeking dismissal on (1) Pre-indictment delay; (2) Double Jeopardy; (3) Vindictive Prosecution; (4) Speedy Trial violation, and (5) Violation of the Strictures of Fed.R.Crim.p. 48(b). This Supplement is hereby submitted on the grounds that counsel is being reluctant to submit same, after counsel has agreed with me that he would have addressed the double jeopardy issue as early as 2007,

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In document
The Court will address
all issues raised by Mr.
Gunn at the conference
scheduled for 8/14/08.
US Attorney to file
written response to all
issues by 8/9/08
So ordered
USPJ
7/16/08

MEMO ENDORSED

shortly after the instant indictment was returned on August 16, 2007. Due to the gross delay and neglect, in addressing this aspect of the case on counsel's part, I prepared a motion addressing this Fifth Amendment violation of my double jeopardy rights and protection, which is also embodied within the Due Process Clause. Such motion was submitted on December 26, 2007. Counsel adopted said motion and had agreed to supplement the double jeopardy aspect of said motion, which he also notified this Court that he would supplement such. At present date, no effort has been made by counsel to address the double jeopardy issue. Each day in this prosecution is a violation of my Fifth Amendment right not to be prosecuted for the same offense twice. Each day counsel delays or refuse to submit this supplement to address the double jeopardy violation, counsel is also neglecting my constitutional rights under the Double Jeopardy Clause and the Due Process Clause.

I hereby submits this supplement in support of said motion and request of this Court to grant me the relief sought to proceed pro se so as to get this Fifth Amendment violation claim litigated, and likewise, other pre-trial motion previously submitted. I am also asking of the Court's discretion to grant me "hybrid representation" for the pre-trial period of this proceeding.

Dated: New York, New York
July 2nd, 2008.

Respectfully submitted,

R. Gunn
Roderick Gunn

CERTIFICATE OF SERVICE

This certifies that I have on this 2nd day of July, 2008, placed a true and exact copy of this letter and Supplement in support of "**Motion to Dismiss**" which was submitted to this Court on December 26, 2007, in the U.S. Mail first class postage, addressed to:

The United States Attorney's Office
Attn: A.U.S.A. John Odonnell
One Saint Andrew Plaza
New York, New York, 10007.

Richard Palma
381 Park Avenue South
Suite 701
New York, New York, 10016.

R. Gunn
Roderick Gunn

MEMO ENDORSED